

B<sup>2</sup> 34. (Amended) An electrode comprising:  
an electrically conductive substrate; and  
a discontinuous vacuum deposited layer, of an oxide of a first  
valve metal, on a surface of said substrate.

Kindly cancel claims 38-44 ✓

#### REMARKS

Claims 38-44 have been canceled which renders moot the objection to the specification set forth in paragraph 1 of the Office Action.

In paragraph 3 of the Office Action claims 29-37 were rejected under 35 U.S.C. § 112, first paragraph because the Examiner deemed the term "non-anodized" to be new matter. This term has been deleted from the remaining claims in the application and for this reason, it is requested that this ground of rejection be withdrawn.

In paragraph 5 of the Office Action, claims 33-44 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention.

Reconsideration is requested.

The term "non-anodized" has been deleted from claim 29 and therefore it is requested that this ground of rejection be withdrawn.

In paragraph 7 of the Office Action, claims 34-44 were questioned as to the use of the term "bimodal morphology". Claims 38-44, where this term was used, have been canceled and for this reason, this objection has been rendered moot.

In paragraph 8 of the Office Action, claims 43 and 44 were objected to because the express "said dielectric ... morphology" was used. The claims that continued this expression have been canceled and this ground of rejection has been rendered moot.

In paragraph 10 of the Office Action, claims 29 and 31-44

were rejected under 35 U.S.C. §102(e) as being anticipated by Popp et al.

Reconsideration is requested.

Amended claim 29 points out that the claimed article has a vacuum deposited fractal surficial structure which both valve metal and valve metal oxide. The Popp et al. fractal coating only contains metal. For this reason, Popp et al. fails to anticipate the amended claims.

Claim 34, and the claims which are dependent on claim 34, point out a discontinuous vacuum deposited layer, whereas in Popp et al., the layers are only deposited by electrolysis or anodic oxidation. In the absence of a teaching regarding vacuum deposition, Popp et al., cannot anticipate the amended text of claim 34.

For these reasons, it is requested that this ground of rejection be withdrawn.


In paragraph 12 of the Office Action, claim 30 was rejected under 35 U.S.C. §103(a) as being unpatentable over Popp et al.

Reconsideration is requested.

Popp et al. does not describe or suggest any fractal surficial surface that contains both a valve metal and a valve metal oxide. In addition, Popp et al. do not teach any procedure by which such a surface could be made. For these reasons, claim 30, which is dependent on amended claim 29, points out unobvious subject matter and it is requested that this ground of rejection be withdrawn.

An early and favorable action is earnestly solicited.

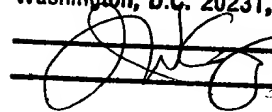
Respectfully submitted,

  
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Marked up copy of claims which shows deleted subject matter in brackets and added subject matter underlined:

29. (Amended) A[n] non-anodized article of manufacture [comprising a valve metal] having a fractal[-like] surficial structure which includes both valve metal and an oxide thereof, the valve metal being selected from the group consisting of aluminum, titanium, tantalum, niobium, zirconium, silicon, thorium, cadmium and tungsten.

34. (Amended) An electrode comprising:  
[(a)] an electrically conductive substrate; and  
[(b)] a discontinuous non-anodized layer, of an oxide of a first valve metal, on a surface of said substrate.

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Not what was Amended?